

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ARTHUR I. NOVAK, an individual,

Plaintiff,

**V.**

VAN ENTERPRISES EMPLOYEE  
BENEFIT TRUST, a Kansas trust, and  
FMH BENEFIT SERVICES, INC., a  
Kansas corporation,

Defendants.

8:06CV562

## ORDER OF RECUSAL REQUEST FOR REASSIGNMENT

This matter is before the court on the court's own motion pursuant to 28 U.S.C. § 455(a), which states: "Any . . . judge . . . of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." Upon review of the parties and the record in the above-designated case, the undersigned judge shall, and hereby does, recuse himself from the above-designated case pursuant to 28 U.S.C. § 455(a).

SO ORDERED.

DATED this 29<sup>th</sup> day of January, 2007.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief Judge